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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6348 OF 2006

Kachribai w/o. Lukha Joshi .. Petitioner.

vs.

Pandurang S. Chaudhary

& Ors. . .. Respondents.

Ms. Anita Bhakwani for petitioner.

Mr. Amol P. hatre for Respondent No. 1 & 2.

CORAM : A.P. DESHPANDE, J.

DATE : 21st November, 2006.

P.C.

. The trial court has rejected an application moved by the plaintiff for rejecting the affidavit in examination-in-chief filed by one Yeshwant Pandurang Chaudhary who holds power of attorney of defendant nos. 1 and 2 who are stated to be ill. Besides refering to the acts done by the power of attorney holder under the authority of the principal, Yashwant, he has further referred to various acts such as execution of agreements so also in regard to possession. Perusal of the affidavit indicates that it is the case of the power of attorney holder/witness that he was present when the

agreements were executed and hence his affidavit relates to the execution of the agreements by the parties, identifying thumb impressions, etc., and in regard to possession as well he claims personal knowledge and so as a power of attorney holder he has deposed to the aforesaid acts and such other facts of which he has personal knowledge. The trial court being of the view that this is very much permissible in law has taken the affidavit on record and rejected the application moved by the plaintiff for rejection of the affidavit of examination-in-chief.

2. I have perused the order passed by the trial Court. No interference is called for. In the result, the writ petition is summarily dismissed.

(A.P. Deshpande, J.)